



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 18, 1992

Mr. Terrence S. Welch
Vial, Hamilton, Koch & Knox
1717 Main Street, Suite 4400
Dallas, Texas 75201

OR93-070

Dear Mr. Welch:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18269.

The Town of Flower Mound (the "town"), which you represent, has received a request for certain payroll time sheets. Specifically, the requestor, a former town employee, seeks "a photocopy of my time sheets that I had filled out for payroll from my start date to my finish date." You have submitted the requested information to us for review and claim that it is excepted from required public disclosure by section 3(a)(3) of the Open Records Act.

Section 3(a)(3) excepts

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

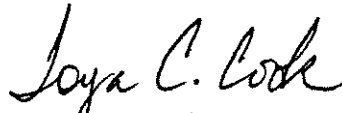
Section 3(a)(3) applies only when litigation in a specific matter is pending or reasonably anticipated and only to information clearly relevant to that litigation. Open Records Decision No. 551 (1990). "Whether litigation is reasonably anticipated must be determined on a case-by-case basis." Open Records Decision No. 452 (1986) at 4.

We have examined the information submitted to us for review. We conclude that litigation in this matter may be reasonably anticipated. Furthermore, we accept your determination that the requested information relates to the anticipated litigation.

Accordingly, the requested information may be withheld from required public disclosure under section 3(a)(3) of the Open Records Act. Please note that this ruling applies only to the information requested and only for the duration of the litigation at issue here.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-070.

Yours very truly,



Toya C. Cook
Assistant Attorney General
Opinion Committee

TC/GCK/Imm

Ref: ID# 18269

cc: Mr. Tom Boyd
P.O. Box 292802
Lewisville, Texas 75029